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PATENT APPLICATION  
CH-7811  
LeA 36,284

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN APPLICATION OF )  
ULRICH SCHOLZ ET AL )  
SERIAL NO.: 10/650,012 )  
FILED: AUGUST 26, 2003 )  
TITLE: PROCESS FOR PREPARING )  
PHOSPHITES AND TRANSITION )  
METAL COMPLEXES )

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(b)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This disclosure statement under 37 CFR 1.97 & 1.98 is submitted before the first Office Action in order that the Patent and Trademark Office may consider the relevancy of certain information to the invention described and claimed in the subject application, and in compliance with the regulations concerning information disclosure statements. Enclosed are copies of the following:

- a) the Search Report received in the corresponding application pending in the European Patent Office ; and an English language translation thereof; and

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, Alexandria, VA 22313-1450, on 07/13/04  
Date  
Godfried R. Akorli Reg. No. 28,779  
Name of applicant, assignee or Registered Representative  
Signature  
July 13, 2004  
Date

- b) the documents cited by the European Patent Office in the Search Report (except the documents previously submitted) listed on the attached Form PTO-1449.

This Information Disclosure Statement should not be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, that any reference mentioned herein constitutes prior art, or that the references listed, severally or in any combination with one another or with any other information, are believed to render any claim in the subject application prima facie unpatentable.

Respectfully submitted,

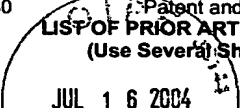
By



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|---|--|--|--------------------------|
| Form PTO 1449<br>Rev. 7-80  | U.S. Department of Commerce<br>Patent and Trademark Office<br><b>LIST OF PRIOR ART CITED BY APPLICANT</b><br>(Use Several Sheets If Necessary) | Atty. Docket No.<br>CH-7811/LeA 36,284 | Serial No.<br>10/650,012 |
|  |  | Applicant<br>Ulrich Scholz et al       |                          |
|   |  | Filing Date<br>August 26, 2003         | Group                    |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL | DOCUMENT NUMBER | DATE     | NAME                                   | CLASS          | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|---------------------|-----------------|----------|--|----------------|----------|-------------------------------|
| AA                  | 5,998,326       | 12/07/99 | Bel. to corresp. to EP<br>Hafner et al | 885911<br>502  | 155      |                               |
| AB                  | 6,204,347       | 03/20/01 | Bel. to corresp. to EP<br>Hafner et al | 885911<br>523  | 172      |                               |
| AC                  | 2003/0171608    | 9/11/03  | Bel. to corresp. to WO<br>Reetz et al  | 0194278<br>558 | 348      |                               |
| AD                  |                 |          |  |                |          |                               |
| AE                  |                 |          |  |                |          |                               |
| AF                  |                 |          |  |                |          |                               |
| AG                  |                 |          |  |                |          |                               |
| AH                  |                 |          |  |                |          |                               |
| AI                  |                 |          |  |                |          |                               |
| AJ                  |                 |          |  |                |          |                               |
| AK                  |                 |          |  |                |          |                               |

## FOREIGN PATENT DOCUMENTS

|  |    | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |     |
|--|----|-----------------|------|---------|-------|----------|-------------|-----|
|  |    |                 |      |         |       |          | Yes         | No* |
|  | AL |                 |      |         |       |          |             |     |
|  | AM |                 |      |         |       |          |             |     |
|  | AN |                 |      |         |       |          |             |     |
|  | AO |                 |      |         |       |          |             |     |
|  | AP |                 |      |         |       |          |             |     |

## OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

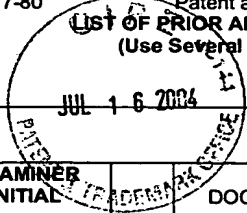
|    |  |
|----|--|
| AR | CAI, JUE XIAO ET AL: "A new convenient method for the resolution of 1,1'-binaphthalene-2,2'-diol via a phosphite using (-) -menthol as resolving agent" CHINESE CHEMICAL LETTERS (2002), 13(7), 617-619, 2002, XP001172891 *Seite 618, Unten *   |
| AS | BEDEKAR, A.V. ET AL: "Intramolecular asymmetric olefination of binaphthyl phosphonate derivatives of 1,3-diketones" TETRAHEDRON: ASYMMETRY, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, Bd. 13, Nr. 7, 2 Mai 2002 (2002-05-02), Seiten 721-727, XP004354864 ISSN: 0957-4166 *das ganze Dokument* |
| AT | CHEN W ET AL: "Enantioselective hydrogenation with inexpensive, easily available monodentate phosphite ligands" TETRAHEDRON LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, Bd. 42, Nr. 15, 9. April 2001 (2001-04-09), Seiten 2897-2899, XP004232343 ISSN: 0040-4039 *das ganze Dokument*  |

EXAMINER

DATE CONSIDERED

EXAMINER Initial if references considered, whether or not citation is in conformance with MPEP 609: Draw line through if not in conformance and not considered. Include copy of this form with next communication to applicant.

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|                     | AE              |      |      |       |          |                               |
|                     | AF              |      |      |       |          |                               |
|                     | AG              |      |      |       |          |                               |
|                     | AH              |      |      |       |          |                               |
|                     | AI              |      |      |       |          |                               |
|                     | AJ              |      |      |       |          |                               |
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|---|---|
| AR  | CHEN W ET AL: "Asymmetric activation of conformationally flexible monodentate phosphites for enantioselective hydrogenation" TETRAHEDRON LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, Bd. 42, Nr. 49, 3. Dezember 2001 (2001-12-03), Seiten 8737-8740, XP004321537 ISSN: 0040-4039 *das ganze Dokument* |
| AS  |   |
| AT  |   |
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